



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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To: Managers and Supervisors

From: DSD, Support Services

Subject: Return of Activated Military Members to Federal Civilian Employment

On November 14, 2003, President George W. Bush issued a memorandum to Federal agencies on the return of civilian employees who were called to serve on active duty in the continuing Global War on Terrorism. The President stated that the Federal Government serves as a model for all employers in the treatment of its active duty and reservist military members. The President wants to provide these employees our full support, recognition, and assistance. This memorandum provides guidance to Interior bureaus/offices in response to the President's memorandum.

Reemployment of Activated Military Members

Returning employees who vacated civilian positions (including temporary) for active duty military assignments (voluntary or involuntary) are entitled to job protection provided he/she applies for reemployment within the following time limits:

Employees who served less than 31 days must report back to work at the beginning of the next scheduled workday following their release from service and the expiration of 8 hours after a time for safe transportation back to the employee's residence.

- Employees who served more than 30 days, but less than 181 days, must apply for reemployment within 14 days of release by the military.
- Employees who served more than 180 days have 90 days to apply for reemployment.

Returning employees who served less than 91 days must be restored to the position for which he/she is qualified and would have attained had their employment not been interrupted.

Returning employees who served more than 90 days have essentially the same rights, except that the agency has the option of placing the employee in a position for which he/she qualifies that is of like seniority, status, and pay to the position the employee would have attained had their employment not been interrupted.

Returning employees receive rights and benefits (i.e., career ladder promotions, successive within-grade increases, probation, career tenure, annual leave accrual rate, and severance pay) as though they never left. Returning employees can complete remaining time on temporary appointments, if available. However, active military duty does not extend temporary appointments if the not-to-exceed date has been reached prior to the employee's return.

Returning employees performing active military duty are protected from reduction in force (RIF) and may not be discharged from employment for a period of 1 year following separation (6 months in the case of a Reservist called to active duty under 10 U.S.C. 12304 for more than 30 days, but less than 181 days, or ordered to an initial period of active duty for training of not less than 12 consecutive weeks), except for poor performance or conduct or for suitability reasons.

Returning employees may appeal to the Merit Systems Protection Board if the agency fails to properly adhere to personnel laws.

Excused Absence for Returning Employees

- The returning employees must notify their employing bureau of their intent to return to Federal civilian employment.
- The returning employees may be granted 5 workdays of excused absence, without charge of leave. All excused absence hours should be coded as "060" Excused Absence.
- All employees who were activated for military service in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other military operations subsequently established under Executive Order 13223 may be granted the 5 days of excused absence, without charge of leave.
- Agencies may grant this period of excused absence prior to the employee's resumption of his duties, or at a time mutually agreeable to the agency and the employee, if the employee has already returned to duty.

Inquiries

The point of contact for excused absence and awards and recognition is Angie Dailey. If you need further assistance, please contact her at 916-978-4476, fax (916) 978-4478, or by e-mail: adailey@ca.blm.gov.

The point of contact for reemployment is Federica Lee. If you need further assistance, please contact her at (916) 978-4478 or by E-mail at flee@ca.blm.gov.

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